



General Assembly

January Session, 2013

Committee Bill No. 5903

LCO No. 5167



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING THE RESOLUTION OF TIE VOTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-446 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) If two or more candidates obtain the same and the highest total
4 number of votes at a primary held to nominate candidates for a state or
5 district office or a municipal office for state senator or state
6 representative, and a tie vote thereby occurs, any of such candidates,
7 or the state chairman of the political party, may apply for a recanvass
8 of the returns in the manner provided in section 9-445. If no such
9 application is made, or if any such recanvass results in a tie vote, such
10 primary shall stand adjourned for three weeks at the same hour at
11 which the first primary was held. Ballots of the same form and
12 description as described in section 9-437 shall be used in the primary
13 on such adjourned day, and the primary shall be conducted in the
14 same manner as on the first day, except that the votes shall be cast for
15 such office only and may only be cast for a candidate that received
16 such a tie number of votes in the primary on the first day. Ballots for

17 [such] the primary on such adjourned day shall be provided forthwith
18 by the registrars of voters of each municipality wherein such primary
19 stands adjourned, and each clerk of the municipality shall furnish the
20 Secretary of the State with an accurate list of all candidates to be voted
21 for at such adjourned primary. The clerk of each municipality in the
22 state or the district, whichever is applicable, wherein such primary so
23 stands adjourned shall, at least three days prior to the day of such
24 adjourned primary, give notice of the day, hours, place and purpose
25 thereof by publishing such notice in a newspaper published in such
26 municipality or having a circulation therein. No such primary shall be
27 held if prior to such primary all but one of the candidates for such
28 office die, withdraw their names or for any reason become disqualified
29 to hold such office, and, in such event, the remaining candidate shall
30 be deemed to be lawfully voted upon as the candidate for such office.
31 No withdrawal shall be valid until the candidate who has withdrawn
32 has filed a letter of withdrawal signed by such candidate with the
33 Secretary of the State. When such a primary is required to be held
34 under the provisions of this section and prior to such primary all but
35 one of the candidates for such office die, withdraw their names or for
36 any reason become disqualified to hold such office, the Secretary of the
37 State shall forthwith notify the registrars of voters of such fact, and
38 shall forthwith direct the registrars that such primary shall not be held.
39 In the case of a multiple-opening office only the names of those
40 candidates whose votes are equal shall be placed on the ballot of the
41 adjourned primary. If such second primary results in a tie vote with
42 two or more candidates receiving the same highest total number of
43 votes, the Secretary of the State, in the presence of not fewer than three
44 disinterested persons, and after notification to the candidates obtaining
45 the same number of votes and the chairperson of the state central
46 committee of the party holding the primary of the time when and the
47 place where such tie vote is to be dissolved, shall dissolve such tie vote
48 by lot. The Secretary of the State shall execute a certificate attesting to
49 the result of the dissolution of such tie vote, and the person so certified
50 or the slate so certified as having been chosen by lot shall be deemed to

51 have received a plurality of the votes cast and shall be deemed to have
52 been chosen as the nominee of such party to such office.

53 (b) If two or more candidates obtain the same number of votes at a
54 primary held to nominate candidates for a municipal office, other than
55 that for state senator or state representative, or to elect members of a
56 town committee, or if two or more slates of candidates obtain the same
57 number of votes at a primary held for justices of the peace, and a tie
58 vote thereby occurs, any of such candidates, or the town chairman of
59 the political party, may apply for a recanvass of the returns in the
60 manner provided in section 9-445. If no such application is made, or if
61 any such recanvass results in a tie vote, such primary shall stand
62 adjourned for three weeks at the same hour at which the first primary
63 was held. Ballots of the same form and description as described in
64 section 9-437 shall be used in the primary on such adjourned day, and
65 the primary shall be conducted in the same manner as on the first day,
66 except that the votes shall be cast for such office only. Ballots for [such]
67 the primary on such adjourned day shall be provided forthwith by the
68 registrars of voters of the municipality wherein such primary stands
69 adjourned, and the clerk of the municipality shall furnish the Secretary
70 of the State with an accurate list of all candidates to be voted for at
71 such adjourned primary. The clerk of the municipality wherein such
72 primary so stands adjourned shall, at least three days prior to the day
73 of such adjourned primary, give notice of the day, hours, place and
74 purpose thereof by publishing such notice in a newspaper published in
75 such municipality or having a circulation therein. No such primary
76 shall be held if prior to such primary all but one of the candidates for
77 such office die, withdraw their names or for any reason become
78 disqualified to hold such office, and, in such event, the remaining
79 candidate shall be deemed to be lawfully voted upon as the candidate
80 for such office. No withdrawal shall be valid until the candidate who
81 has withdrawn has filed a letter of withdrawal signed by such
82 candidate with the municipal clerk. When such a primary is required
83 to be held under the provisions of this section and prior to such
84 primary all but one of the candidates for such office die, withdraw

85 their names or for any reason become disqualified to hold such office,
 86 the Secretary of the State shall forthwith notify the municipal clerk of
 87 such fact, and shall forthwith direct the clerk that such primary shall
 88 not be held. In the case of a multiple-opening office only the names of
 89 those candidates whose votes are equal shall be placed on the ballot of
 90 the adjourned primary. If such second primary results in a tie vote, the
 91 registrar, in the presence of not fewer than three disinterested persons,
 92 and after notification to the candidates obtaining the same number of
 93 votes and the chairperson of the town committee of the party holding
 94 the primary of the time when and the place where such tie vote is to be
 95 dissolved, shall dissolve such tie vote by lot. The registrar shall execute
 96 a certificate attesting to the result of the dissolution of such tie vote,
 97 and the person so certified or the slate so certified as having been
 98 chosen by lot shall be deemed to have received a plurality of the votes
 99 cast and shall be deemed to have been chosen as the nominee of such
 100 party to such office.

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| This act shall take effect as follows and shall amend the following sections: | | |
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| Section 1 | July 1, 2013 | 9-446 |
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Statement of Purpose:

To ensure that an adjourned primary resulting from a tie vote for a state office or the office of state senator or state representative only includes those candidates who were in a tie vote.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WRIGHT E., 41st Dist.; REP. RITTER M., 1st Dist.
 REP. MCGEE, 5th Dist.; REP. CUEVAS, 75th Dist.

H.B. 5903